

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHAWN HOWARD,
individually and on behalf of all
others similarly situated

Plaintiff,

09-CV-6513

ORDER

CANANDAIGUA NATIONAL BANK & TRUST,

Defendants.

Pursuant to my November 3, 2010 Order appointing attorney Steven V. Modica, Esq. as a Special Master in this case, I directed that the parties would equally bear his costs. By Invoice dated February 15, 2011, Special Master Modica has submitted an invoice to the court in the amount of \$1462.50 for services rendered during the months of December, 2010 and February, 2011. I find the fees and costs to be reasonable, and accordingly, hereby order Shawn Howard and Canandaigua National Bank & Trust to share equally in payment of the Special Master's invoice, with each paying attorney Modica the sum of \$731.25 within 30 days of the date of this Order.

The parties are also directed to pay any and all sums due attorney Modica pursuant to this Court's December 10, 2010 Order directing payment of fees to the Special Master in the amount of \$775.00, with each party paying attorney Modica \$387.50.

ALL OF THE ABOVE IS SO ORDERED.

s/ Michael A. Telesca
MICHAEL A. TELESCA
United States District Judge

Dated: Rochester, New York
February 17, 2011